

SPECIAL TOWN MEETING
MIDDLETON NEW HAMPSHIRE
SATURDAY OCTOBER 2, 2021

Jack Savage, Town Moderator makes his introduction and explains the process of how Town Meeting is held.

Pledge of Allegiance

Janet Kalar presents to Jack Savage the secret ballot request for voting, with the required five (5) signatures of registered voters. Jack accepts the request and declares voting today will be cast by secret ballot and explains the process.

Meeting called to order 8:10 a.m.

Jack reads the Special Town Meeting Warrant (See Attached) regarding a temporary moratorium on building in the Town of Middleton.

Jack makes a motion to accept the article as read

Bonnie Gagnon accepts, Keven Bowdridge, seconds.

Mackenzie Brisson, Planning Board Chair, speaks on behalf of the Planning Board. The Planning Board put together this petition because we were given a letter by the Middleton School District (see attached letter) on August 9, 2021 Regarding the situation at the school, with larger enrollment numbers resulting in over enrollment possibilities and needing expansion of the school in the future. This Temporary moratorium on Building will help the town asses the future of Middleton in regard to growth.

A discussion ensued regarding different scenarios of building and existing expansion of properties. Mackenzie states that the Planning Board will take building requests on a case-by-case basis based on the Impact to the school/town.

A resident expresses his concern for legal action that may come to the town. He asks if you now are going to say that a resident cannot sell his home to a family with 4 children that still is not going to remedy the problem. and that could lead to legal action. The town of Brookline, which is the town that you have used as guidance on presenting this moratorium is currently facing legal action because of their decision.

Makenzie replies that we cannot stop anyone from selling their home so that is not something that can be considered. Anyone can still sell their home at any point in time. The Planning Board is not addressing that issue, we cannot. Secondly the town of Brookline is almost an exact case to ours and they are a successful case.

The resident feels it is misleading to tell people it isa successful case when there is legal action pending against their town. Another resident adds that we as a town have done this once before and does not recall having any legal action brought against the town. He is also wondering if the Planning Board seeked out Legal Counsel.

Mackenzie states the Town Selectmen did see out Legal Counsel.

Jack lets the residents know that we have Town Legal Counsel present here today. He asks if the governing body gives special permission for a non-resident to speak. All are in favor.

Laura Spectrum Morgan introduces herself as Town Counsel. She speaks to the legal action inquiries. She stated they were contacted by the Selectmen in regard to guidance with the town meeting, not the substance of the warrant. RSA 674:23 allows the town to adopt a temporary moratorium for up to 1 year, 365 days. This seems consistent with that state law. Does that mean you cannot get sued-of course not, anyone can sue you. We all know there is a pending application where that might come into play. Whether or not that should impact your desire or ability to adopt this is something completely different. That case would have a wide variety of issues on whether a growth management ordinance is put in or not.

Jack asks if the governing body is ready to vote. They are. He explains the voting process. It will be done by secret ballot. They were instructed to get a piece of the paper provided and to write YES if they are in favor of the moratorium and NO-if they are not in favor. The papers are to go into the ballot box provided with Jack monitoring. Once all voting is completed Jack along with the Town Clerk, Janelle Guarino will tally up the votes.

Jack confirms with the Supervisors of the Checklist that there are 103 registered voters here today.

Voting Results:

NO-6

YES-95

Blank-1

Jack's paper as he did not vote-1

Total Votes-103

The Article PASSED.

Mackenzie makes a motion to adjourn the meeting. Bonnie Gagnon seconds. All in Favor.

Meeting adjourned 8:42 a.m.

Respectfully submitted by:
Janelle Guarino
Town Clerk
Middleton NH

TOWN OF MIDDLETON
SPECIAL TOWN MEETING WARRANT

To the inhabitants of the Town of Middleton, New Hampshire in the County of Strafford, qualified to vote in town affairs:

You are hereby notified to meet for a special town meeting to be held at Middleton Elementary School on Saturday, the 2nd day of October next at 8:00 a.m. for the purpose of considering and deciding the question below. The session will consist of explanation, discussion, and debate of the petitioned warrant article which appears below, and will afford those voters who are present the opportunity to propose, debate, and adopt amendments to the warrant article and to vote on the warrant article at the conclusion of debate.

Article 1. To see if the Town of Middleton, in accordance with RSA 674:23 and upon the recommendation and written finding of the Middleton Planning Board, will adopt the following ordinance establishing a moratorium on development in the Town of Middleton.

Ordinance Establishing a Moratorium on Development in the Town of Middleton (RSA 674:23). This ordinance hereby establishes a moratorium on the issuance of building permits for new single-family or multi-family housing and the granting of site plan and subdivision approvals within the Town of Middleton for a period of 365 days which shall be effective immediately upon the vote of the legislative body and is based on the recommendation and written finding of the Middleton Planning Board which describes the unusual circumstances that justify the ordinance and recommends a course of action to correct or alleviate such circumstances.

This ordinance shall apply to the issuance of building permits for new single-family or multi-family housing and the granting of site plan and subdivision approvals for all types and categories of development unless exempted by or in accordance with this ordinance.

This ordinance shall apply to the entire Town of Middleton.

Exemptions from the Moratorium

1. Building permits for Accessory Dwelling Units as defined in Article 36, page 87 of the Middleton Zoning Ordinance are exempt from this moratorium.
2. Building permits for lots created by subdivisions approved by the Middleton Planning Board prior to the adoption of any ordinance based on these findings are exempt from this moratorium.
3. Applications that have been approved by the Middleton Planning Board prior to the date of the adopted ordinance are exempt from this moratorium.
4. Applications submitted as Housing for Older Persons as specified in Middleton Zoning Ordinance Article 36, page 92 are exempt from this moratorium.
5. The Middleton Planning Board may provide for the exemption from the moratorium of

those types or categories of development that have minimal or no impact on the ability of the Town of Middleton to provide adequate school services within the Middleton School District.

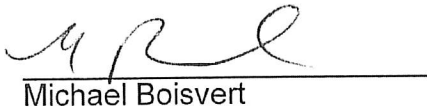
6. The Middleton Planning Board may provide special permit or conditional use permit to allow development that has minimal or no impact on the ability of the Town of Middleton to provide adequate school services within the Middleton School District.

Further, this ordinance establishes the following course of action to correct or alleviate the unusual circumstances that affect the ability of the Town of Middleton to provide adequate school services and requires prompt attention to develop or alter a growth management process under RSA 674:22, a zoning ordinance, a master plan, or capital improvements program.

Given under our hands and seal



Joseph Varga, Chair



Michael Boisvert

Town of Middleton, NH: Petition to Call a Special Meeting

TYPE OF ARTICLE: Town By-Law____ Zoning By-Law X Conservation____ Statute
Acceptance____ Street Acceptance____ Subject Matter: Temporary Moratoria on Building
(RSA 674:23)

(Check one) Financial____ Non-Financial X

Contact Information:

PETITIONER Name: Mackenzie Brisson Street Address: 192 Pheasant Drive

E-Mail address: brissonmackenzie@gmail.com Tel # (603) 973-4074

SPEAKER Name: Janet Kalar Address: 20 Dudley Drive (If different from above)

E-mail Address: janetkalar@yahoo.com Tel # (603) 755-4904

WE, THE UNDERSIGNED REGISTERED VOTERS OF THE TOWN OF MIDDLETON HEREBY
PETITION THE BOARD OF SELECTMEN TO CALL A SPECIAL TOWN MEETING PER RSA
39:3 AND TO INCLUDE IN THE WARRANT FOR SAID MEETING THE FOLLOWING
ARTICLE(S):

Shall the Town of Middleton, in accordance with RSA 674:23 and upon the recommendation and
written finding of the Middleton Planning Board adopt the following ordinance establishing a
moratorium on development in the Town of Middleton?

Ordinance Establishing a Moratorium on Development in the Town of Middleton (RSA
674:23)

This ordinance hereby establishes a moratorium on the issuance of building permits for new
single-family or multi-family housing and the granting of site plan and subdivision approvals
within the Town of Middleton for a period of 365 days which shall be effective immediately upon
the vote of the legislative body and is based on the recommendation and written finding of the
Middleton Planning Board which describes the unusual circumstances that justify the ordinance
and recommends a course of action to correct or alleviate such circumstances.

Statement of the Unusual Circumstances giving rise for the need of a moratorium

Please see attached Middleton School Board letter.

Planning Board's Written Findings

Please see attached letter.

Term of the Ordinance

The term of this ordinance is 365 days and shall be effective immediately upon the vote of the
legislature.

Types or categories of development to which the ordinance applies

This ordinance shall apply to the issuance of building permits for new single-family or multi-family housing and the granting of site plan and subdivision approvals for all types and categories of development unless exempted by or in accordance with this ordinance.

Description of the area of the municipality

This ordinance shall apply to the entire Town of Middleton.

Exemptions from the Moratorium

1. Building permits for Accessory Dwelling Units as defined in Article 36, page 87 of the Middleton Zoning Ordinance are exempt from this moratorium.
2. Building permits for lots created by subdivisions approved by the Middleton Planning Board prior to the adoption of any ordinance based on these findings are exempt from this moratorium.
3. Applications that have been approved by the Middleton Planning Board prior to the date of the adopted ordinance are exempt from this moratorium.
4. Applications submitted as Housing for Older Persons as specified in Middleton Zoning Ordinance Article 36, page 92 are exempt from this moratorium.
5. The Middleton Planning Board may provide for the exemption from the moratorium of those types or categories of development that have minimal or no impact on the ability of the Town of Middleton to provide adequate school services within the Middleton School District.
6. The Middleton Planning Board may provide special permit or conditional use permit to allow development that has minimal or no impact on the ability of the Town of Middleton to provide adequate school services within the Middleton School District.

Further, this ordinance establishes the following course of action to correct or alleviate the unusual circumstances that affect the ability of the Town of Middleton to provide adequate school services and requires prompt attention to develop or alter a growth management process under RSA 674:22, a zoning ordinance, a master plan, or capital improvements program.

We are requesting that the date for the above-referenced special town meeting be set for Saturday, October 2nd, 2021 at 8:00 AM at the Middleton Elementary School.

Respectfully Submitted,

Mackenzie Brisson

For Special Planning Board Meeting – Thursday, August 12, 2021

Town of Middleton Planning Board Written Finding and Recommendation for Temporary Moratoria (RSA 674:22, 23)

Pursuant to RSA 674:23, the Middleton Planning Board finds that the legislative body of the Town of Middleton should adopt an ordinance establishing a moratorium on the issuance of building permits for new single-family or multi-family housing and the granting of site plan and subdivision approvals for a period of one year.

These findings are forward-looking. Applications that have been approved by the Middleton Planning Board prior to the date of any ordinance adopted based on these findings are exempt from the proposed ordinance. Based on the information provided by the Middleton School Board (SAU 69) (See Attachment 1), continued development will significantly impact the ability of the Town of Middleton to provide adequate school services within the Middleton School District. According to the School Board's letter, this could require potentially additional classroom sections; some of the projected class sizes for the next school year could exceed the specifications outlined in NH State Regulations (N.H. Code Admin. R. Ed 306.17) (See Attachment 2).

Due to the potential for unplanned stress on the capacity of the Middleton schools, the Planning Board recommends that any ordinance(s) adopted by the legislative body under RSA 674:22, 23 include the following:

- Establish a moratorium on the approval of site plans and subdivisions for a period of one year (365 days).
- Establish a moratorium on the issuance of building permits for new single-family or multi-family housing for a period of one year (365 days).
- Building permits for Accessory Dwelling Units as defined in Article 36, page 87 of the Middleton Zoning Ordinance are exempt from this moratorium.
- Building permits for lots created by subdivisions approved by the Middleton Planning Board prior to the adoption of any ordinance based on these findings are exempt from this moratorium.
- Applications that have been approved by the Middleton Planning Board prior to the date of the adopted ordinance are exempt from this moratorium.
- Applications submitted as Housing for Older Persons as specified in Middleton Zoning Ordinance Article 36, page 92 are exempt from this moratorium.
- The Middleton Planning Board may provide for the exemption from the moratorium of those types or categories of development that have minimal or no impact on the ability of the Town of Middleton to provide adequate school services within the Middleton School District.

- The Middleton Planning Board may provide special permit or conditional use permit to allow development that has minimal or no impact on the ability of the Town of Middleton to provide adequate school services within the Middleton School District.
- The Middleton School District shall establish a facilities study committee to address classroom space issues. Preliminary findings shall be submitted to the Middleton Capital Improvements Committee no later than June 30th, 2022 for inclusion in the scheduled publication of the 2023-2028 Capital Improvements Plan. Any warrant articles required to implement the recommendations of this facilities committee shall be included on the Middleton 2023 warrant.
- The Middleton Planning Board shall commission a study of school and town services to be performed in accordance with RSA 674:22 (a Growth Management Ordinance) to determine if there is a demonstrated need to regulate the timing of development based upon the Town's lack of capacity to accommodate anticipated growth. A report shall be submitted to the Planning Board no later than June 30th, 2022.

TO: Moderator for the 10/02/2021 SPECIAL TOWN MEETING

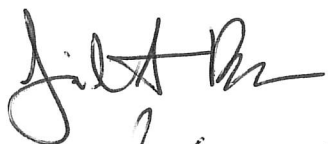
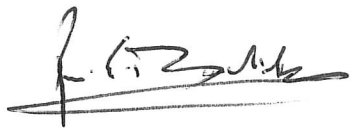
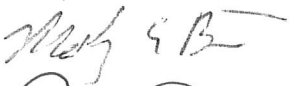


DATE: October 02, 2021

RE: REQUEST FOR SECRET BALLOT

We, the undersigned request that the vote to be taken on a TEMPORARY MORATORIUM be by secret ballot.

As required, there are five (5) signatures of registered voters.

Thank You;

Jill A. Brawn	
Kevin E. Bowdridge	
Mackenzie Brisson	
Ann Donahue	
Janelle Guarino	

Middleton School District
School Administrative Unit #69

Middleton School Board
182 Kings Highway
Middleton, New Hampshire 03887

August 9, 2021

Dear Members of the Planning Board,

I am writing to you on behalf of the Middleton School Board in regard to a Middleton Planning Board Public Hearing to be convened on August 12, 2021 about the following:

RSA 674:23 Temporary Moratoria and Limitations on Building Permits and the Approval of Subdivisions and Site Plans.
RSA 674:22 Growth Management: Timing of Development.

The Middleton School Board met on August 9, 2021 to discuss these public hearing topics.

- 1.) A motion was made by Mary Knapp in support of a moratorium per RSA 674.23 with the exception to a moratorium being applied to school construction projects. The Board voted 4 in favor and 1 abstained.
- 2.) A motion was made by Scott Ferguson in support of the Planning Board developing a Growth Management proposal per RSA 674.22. The Board voted unanimously in favor.

At our June 2021 School Board meeting we recently discussed our Elementary School enrollment. The school board toured the kindergarten classroom for a first-hand review of the classroom physical size. We learned our enrollment in kindergarten, 1st grade and 2nd grade are ranging with 23 - 25 students at that meeting. This is a very high student count resulting in our students and faculty on the verge of over-utilizing these academic classrooms.

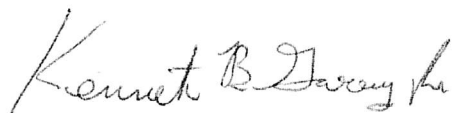
To accommodate more students the board could review, with school administration consultation, available spaces in the elementary school. We would have to re-evaluate how our specials (music, art, and library) are taught. We would have to consider options such as taking back these locations to become traditional classrooms and move specials to a roll cart only if feasible or possibly discontinue these specials.

Alternatively, the school district could engage in the construction of an addition to the existing school. The existing school has a conceptual design for two additional classrooms adjacent the current 5th and 6th grade classrooms and a doubling of the multi-purpose room size. Construction costs could easily exceed \$1.5M. Please note that the construction of the existing elementary school was funded solely by the Middleton School District. The school district is currently 5 years into a 20-year bond note. New Hampshire School Building Aid was not available to the school district due to a state moratorium on this aid. Under the old building aid formula NH school districts would receive 30% - 60% of school construction costs depending upon community demographics such as income. Middleton would have been eligible for 60% of the cost of the school had building aid been available.

The school administration has provided enrollment data for the elementary school, 2017 to date. Please note enrollments are based on the month of October every year and are subject to increase and decrease during the school year. The Power School Numbers at the top of the page are from the close of School Year 2021 and include in process registrations for the upcoming School Year 2022. Please see below.

If you have any questions or if we can be of further assistance, please feel free to contact me. If you need immediate assistance please contact Scott Ferguson, Vice Chairman, as I will be on vacation until the 23rd.

Sincerely,



Ken Garry

Middleton School Board, Chairman

**MIDDLETON ELEMENTARY SCHOOL
ENROLLMENT REPORT FOR AUGUST 9, 2021 BOARD MEETING**

	<u>Pre</u>	<u>K</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>Totals</u>
Power School Numbers	4	20	21	24	15	18	18	18	138
In Process Registrations		10	1	1			1	1	14
DISTRICT TOTAL	4	30	22	25	15	18	19	19	152

	<u>Pre</u>	<u>K</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>Totals</u>
October 1, 2020	13	23	25	13	18	18	17	17	144
October 1, 2019	4	24	15	19	18	14	19	20	133
October 1, 2018	8	15	22	19	12	21	19	22	138
October 1, 2017	6	17	17	13	22	18	22	20	135